

Message Text

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TO USINT ALGIERS

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AMEMBASSY TUNIS

INFO AMEMBASSY ATHENS

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E. O. 11652: GDS

TAGS: PFOR, LY

FOLLOWING SENT ACTION TRIPOLI INFO NATO, VALLETTA, ROME,
USCINCEUR, CINCUSNAVEUR, COMSIXFLT, COMFAIRMED, COMFAIRE-
CONTROL TWO, CINCSAC (RECON CENTER), USNMR SHAPE,
USDOCOSOUTH
FROM SECSTATE 232998 17 DEC 72 REPEATED TO YOU QUOTE

SECRET STATE 232998

SUBJECT: LIBYAN RESTRICTED AREA HLR 22

REF: (A) TRIPOLI 1796; (B) STATE 210803; (C) AERONAUTICAL
INFORMATION PUBLICATION LIBYA, SECOND EDITION; (D) LEXICON
DOC 8820, VOLUME II, DEFINITIONS: (E) 1944 CONVENTION ON
INTERNATIONAL AVIATION; (F) FLIGHT INFORMATION PUBLICATION,
ENROUTE LOW ALTITUDE, EUROPE AND NORTH AFRICA, L13/ L14,
5 DEC 72.

1. YOUR DEMARCHE REF. (A) WAS CORRECT. LIBYAN APPROACH
TO QUESTION OF RESTRICTED AREA REINFORCE OPINION THAT LARG
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DOES NOT FULLY UNDERSTAND AIR CONTROL MATTERS AND STRENGTHENS OUR CONCERN AS EXPRESSED PARAGRAPH 4 OF REF (B). PERTINENT EXCERPTS FROM PUBLICATION REFS (C) THROUGH (F) ARE BEING POUCHED SEPARATELY TO YOU. THESE SHOULD ASSIST IN FURTHER DISCUSSIONS THIS MATTER. REF (F) IS FOR YOUR INFORMATION ONLY AND SHOULD NOT BE USED WITH LIBYANS AS A SUPPORTING DOCUMENT SINCE IT IS A DOD PUBLICATION.

2. THE US POSITION REMAINS AS STATED REF (B). LIBYAN MISUNDERSTANDINGS OF AIR CONTROL TERMS AND PROCEDURES AND INCORRECT APPLICATION OF SAME, I. E., HLR 22, WILL MAKE

FURTHER DISCUSSIONS THIS SUBJECT MOST DIFFICULT. ACCORDINGLY, YOU SHOULD NOT PRESENT ARGUMENTS IN AIR CONTROL MATTERS BEYOND THOSE EXPRESSED IN REF (B) AND THIS CABLE.

3. LARG POSITION AS STATED REF (A) HAS BEEN CAREFULLY EXAMINED AND FOUND INACCURATE IN MANY AREAS. COMMENTS ARE AS FOLLOWS:

A. BEGIN FYI. HLR 22 DOES NOT APPEAR TO BE A REDESIGNATION OF THE TRIPOLI TERMINAL CONTROL AREA (INITIALS TCA USED INTERCHANGEABLY WITH TMA). THE TRIPOLI TMA IS IDENTIFIED BY REF (F) AND IN BOTH RAC 4-3 AND RAC 5-3-1 OF REF (C), A LIBYAN PUBLICATION. HLR 22 COVERS AN AREA LARGER THAN THE TMA, AND BY THE LIBYAN DESCRIPTION OF HLR 22 AS BEING OUTSIDE OF CONTROLLED AREAS, IT ALSO INCLUDES THAT AIRSPACE BETWEEN THE SURFACE AND THE BASE OF THE TMA (5000 FEET). THEREFORE, HLR 22 INCLUDES SUBSTANTIAL INTERNATIONAL AIR SPACE OUTSIDE OF CONTROL ZONES AND IS SUPERJACENT TO ALMOST ALL OF THE INTERNATIONAL WATERS WITHIN THE 100 NAUTICAL MILE RADIUS OF TRIPOLI.

B. IN ACCORDANCE WITH ICAO INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES, LARG CONTROL OF AIRCRAFT ENTERING THOSE PARTS OF THE TMA AND AIRPORT CONTROL ZONE WHICH OVERLIE INTERNATIONAL WATERS OR AIR SPACE APPLIES ONLY TO THOSE AIRCRAFT RECEIVING AIR TRAFFIC CONTROL SERVICE. IN THIS RESPECT, IT IS NOTED THAT AIR TRAFFIC CONTROL SERVICE IS PROVIDED FOR SAFETY OF FLIGHT PURPOSES AND FOR EXPEDITING AND MAINTAINING AN ORDERLY FLOW OF AIR TRAFFIC.

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C. RAC 5-2 IDENTIFICATION OF HLR 22 (REFERRED TO BY LARG AS REPORTED REF (A) IS NOT IN CONSONANCE WITH THE RAC 5-1 DEFINITION OF RESTRICTED AREA QTE AN AIR SPACE OF DEFINED DIMENSION, ABOVE THE LAND AREAS OR TERRITORIAL WATERS OF A STATE... UNQTE SINCE PORTIONS OF HLR 22 ARE ABOVE INTERNATIONAL WATERS.

D. ESTABLISHMENT OF A RESTRICTED (HLR 22) IN INTERNATIONAL AIR SPACE IS A VIOLATION OF INTERNATIONAL LAW. IN THE INTERNATIONAL AIRSPACE OFF TRIPOLI, CONTROLLED AIRSPACES, I. E. AIRWAY 18 (A-18), A26, AND TRIPOLI TMA, PROVIDE PROTECTION TO CIVIL AIRCRAFT ENTERING AND DEPARTING TRIPOLI. FURTHER, BY LARG' S OWN DEFINITION (CONTAINED ON RAC 5-2 OF REF C), HLR 22 INVOLVES AREA OUTSIDE CONTROLLED AIRSPACES. THEREFORE, THERE SHOULD NOT BE REASON FOR CIVIL AIRCRAFT TO DIVERT FROM SCHEDULED ROUTE OF FLIGHT SINCE QTE EXTENSIVE MILITARY JET TRAINING UNQTE SHOULD BE OUTSIDE OF CONTROLLED AIR SPACE. IF LARG DESIRES TO INFORM OR WARN CIVIL FLIGHTS OF INTENSIVE MILITARY JET TRAINING IN AREAS ADJACENT TO CONTROLLED AIRSPACE, THEN THE AREA OF TRAINING SHOULD BE DESIGNATED A DANGER AREA WHICH IS CONSISTENT WITH THE RULES OF THE AIR SET OUT IN ANNEX 2 TO THE CONVENTION OF INTERNATIONAL CIVIL AVIATION. END FYI.

4. IF YOU BELIEVE THAT FURTHER DEMARCHE THIS SUBJECT IS REQUIRED, THEN YOU SHOULD REAPPROACH LARG OFFICIALS AND MAKE FOLLOWING POINTS: (1) DEMARCHE REF (B) IS VALID AND IS THE US POSITION ON HLR 22. (2) TRIPOLI TMA BY LARG DEFINITION IN RAC 5-3-1 OF REF (C) DOES NOT APPROACH HLR 22 IN AREA COVERAGE AND UNDER INTERNATIONAL LAW THE US DOES NOT RECOGNIZE HLR 22 OUTSIDE OF LIBYAN TERRITORIAL AIRSPACE. (3) IN THE INTEREST OF AVIATION SAFETY, LARG CONTROL OF CIVIL AIRCRAFT RECEIVING AIR TRAFFIC CONTROL SERVICES WITHIN THE TRIPOLI TMA AND AIRPORT CONTROL ZONE IS ALREADY ACKNOWLEDGED IN THE ICAO REGIONAL AIR NAVIGATION PLAN. HOWEVER, FOREGOING DOES NOT IMPLY RECOGNITION OF LARG CONTROL OF AIRCRAFT PROCEEDING IN INTERNATIONAL AIRSPACE AND NOT RPT NOT RECEIVING AIR TRAFFIC CONTROL SERVICE. STATE AIRCRAFT AS DEFINED IN ARTICLE 3 OF REF (E) INCLUDES MILITARY AIRCRAFT. WHILE THESE
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AIRCRAFT ARE NOT SUBJECT TO THE CONVENTION ON CIVIL AVIATION, REF (E), AND CONSEQUENTLY NOT SUBJECT TO FOREIGN AIR TRAFFIC CONTROL, IT IS US POLICY THAT US MILITARY AIRCRAFT NORMALLY UTILIZE ICAO FLIGHT PROCEDURES IF THEY ARE COMPATIBLE WITH OPERATIONAL REQUIREMENTS.

(4) IF PRESSED, AND YOU DEEM IT NECESSARY, YOU MIGHT INFORM LARG OFFICIALS THAT REDESIGNATION OF HLR 22 AS HLD (DANGER AREA) WOULD PROVIDE THE EFFECT THAT LARG CONSIDERS NECESSARY IN THE INTEREST OF AVIATION SAFETY. UNDER SUCH CIRCUMSTANCES, IT IS RECOMMENDED THAT THE SUBJECT HLD HAVE TIME AND ALTITUDE LIMITATIONS CONSISTENT WITH LARG OPERATIONS IN THE AREA. THIS WILL PROVIDE THE ADDED SAFETY PRECAUTIONS WHICH LARG MAINTAINS ARE REQUIRED FOR THE AREA WITHOUT UNDULY HINDERING AIRCRAFT TRANSITING THE AREA UNDER ICAO AUSPICES.

5. THIS CABLE HAS BEEN COORDINATED WITH DOD AND FAA.
JOHNSON UNQUOTE. ROGERS

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*** Current Classification *** SECRET

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